UNITE STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re: CARMEN YESENIA BARRERA	)	
	)	
STEPHANIE WILLIAMS,	)	Case No.: 16-11866-BFK
Plaintiff,	)	Chapter 7
	)	
v.	)	Adversary Pro. No. ________
	)	
CARMEN YESENIA BARRERA,	)	
Defendant.	)	

ADVERSARY PROCEEDING COMPLAINT

COMES NOW your Plaintiff, Stephanie Williams (Ms. Williams), by counsel, and hereby asks this Honorable Court to enter judgment in its favor against Defendant and in support of such avers as follows:

PARTIES AND JURISDICTION

1. Plaintiff Ms. Williams is a resident of Prince William County, Virginia, residing at 7460 Bland Drive, Manassas, VA 20109.

2. Defendant CARMEN YESENIA BARRERA is a resident of Prince William County, residing at 14341 Westway Lane, Unit 5, Woodbridge, VA 22193.

3. Mrs. Barrera is filed a voluntary petition before this Court on or about May 27, 2016.

4. This Court has original jurisdiction over this action pursuant to 11 U.S.C. § 523(c)(1).

5. Venue is proper as the bankruptcy proceeding is pending before this Court, the debtor resides in the Eastern District of Virginia, and the underlying facts occurred within the boundaries of the Eastern District of Virginia.

6. The present adversary proceeding is Core proceeding under 28 U.S.C. § 157(b)(2)(I), requesting a determination of dischargability of a debt, and this Court has jurisdiction to enter a final order. To the extent nonetheless required and not inconsistent with the judgment entered by the Prince William County General District Court, Creditor consents to this Court's entry of a final judgment.

FACTS

7. Each preceding paragraph is hereby incorporated as if stated herein.

8. On or about October 27, 2007 the Plaintiff filed a criminal complaint against the Defendant for an assault and battery under Va. Code § 18.2-57. *See* Exhibit 1 Warrant for Arrest and Disposition.

9. On or about March 13, 2008 the Defendant was found guilty of assault battery. *See* Exhibit 1.

10. After the completion of the 2008 criminal trial, the Plaintiff filed a civil complaint against the Defendant on January 4, 2010. *See* Exhibit 2, Civil Court's Disposition.

11. At the conclusion of the hearing the Court entered judgment in favor of the Plaintiff in the amount of $4,604.00, with interest at 6% APR beginning March 9, 2010 and court costs in the amount of $53.00. *See* Exhibit 2.

EXEMPTION OF DEBT

12. Each preceding paragraph is hereby incorporated as if stated herein.

13. The Defendant is indebted to Ms. Williams in the amount of $4,604.00 pursuant to the judgment entered by the Prince William County General District Court.

14. All of this debt is the result of the willful and malicious injury done by the Defendant to the person of Ms. Williams, and is accordingly exempt under 11 U.S.C. § 523(a)(6).

15. Plaintiff respectfully prays this Court to declared judgment in the amount $4,604.00, exempt from discharge in bankruptcy as being a debt for a willful and malicious injury.

WHEREFORE, Plaintiff Stephanie Williams asks this Honorable Court to enter a finding, for purposes of the pending bankruptcy petition of CARMEN YESENIA BARRERA that the FOUR THOUSAND SIX HUNDRED FOUR DOLLARS ($4,604.00) is exempt from discharge, and that the costs of this be taxed to CARMEN YESENIA BARRERA, and for such other relief as shall be just an proper.

Respectfully submitted,
STEPHANIE WILLIAMS
By Counsel

/s/ Carl H. Berry II

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CERTIFICATE OF SERVICE

I HEREBY certify that on the 25th day of August, 2016 a true copy of the foregoing Complaint and Exhibits was sent first class mail, postage prepaid, and by electronic mail to the Debtor’s Attorney at: Leon S. Demsky, 2300 Clarendon Blvd, #700, Arlington, VA 22201-3321; demskylaw@aol.com

And to the Bankruptcy Trustee to: Klinette H. Kindered, 300 N. Washington Street, Suite 202, Alexandria, VA 22314; kkindred@tbrclaw.com

/s/ Carl H. Berry, II
Carl H. Berry, II